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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,735	03/30/2001	Jiming Sun	42390P10450	7299

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EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2457

MAIL DATE	DELIVERY MODE
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11/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/822,735	Applicant(s) SUN ET AL.	
	Examiner BARBARA N. BURGESS	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Pre-Appeal Brief Conference Decision filed September 2, 2009. Claims 1-30 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 10-17, 20-27, 30 are rejected under 35 U.S.C. 102(e) as being anticipated over Shiigi (US Patent Application Publication 2009/0164595 A1).

As per claims 1, 11, and 21, Shiigi discloses an apparatus, method, and computer program product comprising:

an encoder to encode data in a first format from an input device into a string of data having a second format supported by a server having an infrastructure, the first format and second format being different (paragraphs [0031, 0033]);

a packetizer coupled to the encoder to break the string of data into packets no larger than maximum message size allowed by the infrastructure, the packets having at least

one packet having a header, the header identifying the first format (paragraphs [0031, 0040].

a management layer coupled to the packetizer to process the packetized string of data using a processing function, the management layer processing a received packet

having data encoded in the second format (paragraphs [0031, 0033, 0049]);

a decoder to decode a received packet encoded in the second format back into the data having the first format (paragraphs [0031, 0033]) .

:

.As per claims 2, 12, 22, Shiigi discloses the apparatus, method, and computer program product of claims 1, 11, 21 wherein the decoder comprises a detector to detect the second format and a converter to convert the string of data back into the data having the first format (paragraphs [0031, 0033]).

As per claims 3, 13, 23, Shiigi discloses the apparatus, method, and computer program product of claims 1, 11, 21 wherein the at least one packet is transmitted to the sever supporting the second format (paragraph [0033]).

As per claims 4, 14, and 24, Shiigi discloses the apparatus, method, and computer program product of claims 3, 13, 23 wherein the network comprises an instant messaging (IM) infrastructure (paragraphs [0021, 0045-0046]).

As per claims 5, 15, 25, Shiigi discloses the apparatus, method, and computer program product of claims 1, 11, 21 wherein the second format is an American Standard Code of Information Interchange (ASCII) format (paragraph [0031]).

As per claims 6, 16, 26, Shiigi, discloses the apparatus, method, and computer program product of claims 1, 11, 21 wherein the data having the first format is ink input data (paragraph [0008], Abstract).

As per claims 7, 17, 27, Shiigi discloses the apparatus, method, and computer program product of claims 6, 16, 26 wherein the ink input data is obtained from is one of a touch-screen, a digitizer, a tablet, and a mouse (paragraph [0008, 0024], Abstract).

As per claims 10, 20, 30, Shiigi disclose the apparatus, method, and computer program product of claims 8, 18, 28 further comprising an interface layer coupled to the packetizer to process the at least one packet into one of an instant messaging, a chat message, and an email message (paragraphs [0045, 0055]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-9, 18-19, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiigi (US Patent Application Publication 2009/0164595 A1) in view of Lewis et al. (hereinafter "Lewis", US Patent Publication 2001/0053978 A1).

As per claims 8, 18, 28, Shiigi discloses an apparatus, method, and computer program product comprising:

an encoder to encode data in a first format from an input device into a string of data having a second format supported by a server having an infrastructure, the first format and second format being different (paragraphs [0002, 0006-0007, 0009]);

a packetizer coupled to the encoder to break the string of data into packets no larger than maximum message size allowed by the infrastructure, the packets having at one packet having a header, the header identifying the first format.

a management layer coupled to the packetizer to process the packetized string of data using a processing function, the management layer processing a received packet having data encoded in the second format (paragraphs [0012, 0058, 0060]);

a decoder coupled to the management layer to decode received packet back into the data having the first format (paragraphs [0012, 0060-0061]) .

Shiigi does not explicitly disclose:

the processing function being enabled or disabled using a configuration user interface.

However, in an analogous art, Lewis discloses the user selecting one or more constraints used to decode special data. If selected, the constraint is enabled to decode special data and modify default recognition parameters (Abstract, paragraphs [0009]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Lewis's processing function being enabled or disabled using a configuration user interface in Shiigi's apparatus in order to decode special data.

As per claims 9, 19, 29, Shiigi discloses the apparatus, method, and computer program product of claims 8, 18, 28 wherein the processing function is one of smoothing (paragraph [0049]).

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Barbara N Burgess/
Examiner, Art Unit 2457

Barbara N Burgess
Examiner
Art Unit 2457

November 7, 2009

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457